

PATENT**REMARKS**Status of the Claims

Claims 1 through 9 are in the application.

Claims 1-6 have been held to be allowable.

Claims 7-9 were rejected, Examiner contending they represent non-statutory subject matter.

Examiner asks clarification as to whether there are eight or nine claims in the application. The undersigned believes there are nine claims and Applicant's file of the application shows that the Substitute Specification submitted with Preliminary Amendment of 4 April 2005 is a version having nine claims and the preliminary amendment stated that the claims so listed replaced all prior versions of the claims. In any event, Examiner's examination of the version having nine claims appears to be appropriate. Claim status identifiers are here provided. The claims here set forth are thus believed accordingly to be those of the application replacement text provided by Preliminary Amendment of 4 April 2005. If Examiner is acting on a version having eight claims would examiner please call the undersigned so that Examiner and the undersigned and discuss as to be certain of the version of claims to which the Office Action of 11/14/2008 relates, and both Examiner and the undersigned need to be in agreement on that.

Nature of the Amendments

Each of claims 7, 8 and 9 has been presently amended to recite a computer program stored in a computer; claim 7 being typical in now reciting simply: "A computer program stored in a computer which causes [a] the computer to function as said spontaneous emotion unit, said knowledge database, and said conception unit recited in claim 1." Comparable amendment is in claims 8 and 9.

Substantive Rejections

Response to Claim Rejections under 35 U.S.C. § 101:

Examiner rejects claims 7 to 9 under 35 U.S.C. § 101, contending the claimed invention is directed to non-statutory subject matter and has taken the view that claims 7 to 9 must be cancelled because even if the applicant amends the rejected claims into computer readable medium claims, because Examiner stated that there is no disclosure in the specification as originally filed for any computer readable medium.

PATENT

However, Applicant believes one of ordinary skill in the art would know that processing such as "an operation process representing a stochastic model of the Schrödinger equation" and/or "a knowledge database that simulates a human inspiration source" of claim 1 are processed by a computer and that the aforementioned computer would have a program for realizing the inventions of the present application. Consequently, it would be known by the skilled artisan that there is a computer readable medium storing the program.

So also, page 1 of the application refers to a computer and in that context presupposes a program. Logically, the skilled artisan would think that that such process would be processed by computer. A computer in the normal sense presupposes some sort of program. See, for example, <http://en.wiktionary.org/wiki/computer> [accessed 4/8/2009], which provides:

"computer (plural computers)

1. (*computing*) A programmable device that performs mathematical calculations and logical operations, especially one that can process, store and retrieve large amounts of data very quickly."

Furthermore, the original claims include the expression "computer to function as said spontaneous emotion unit" and it is clear law that claims are part of the applicant's disclosure.

For these reasons, the Applicant amends the rejected claims as 7-9 as instructed above to overcome the rejection.

It is respectfully submitted that none of the references of record, whether considered individually, or as combined, teach or suggest to the person having ordinary skill in the art at the time of the present invention the presently claimed inventions.

Summary:

All claims in the application are submitted to be patentable over the art of record and to be directed to statutory subject matter.

Fees required are authorized to be charged to USPTO Deposit Account No. 07-1985, including fees for extension of time as requested herewith.

Allowance of all of claims 1-9 is solicited.

If Examiner intends to take any action other than allowance, or if an issue could be readily resolved or other action could be taken to advance this application, such as Examiner's amendment, or if Examiner believes there is confusion as between Examiner and the

PATENT

undersigned as to the version of claims before the Examiner, it is requested that Examiner please telephone the undersigned.

Respectfully submitted,

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10